

HOUSE BILL REPORT

HJM 4033

As Reported by House Committee On:
Health Care

Brief Description: Requesting Congress to allow states to decide whether marijuana should be used legally for medicinal purposes.

Sponsors: Representatives Nixon, Moeller and Springer.

Brief History:

Committee Activity:

Health Care: 1/31/06, 2/2/06 [DP].

Brief Summary of Bill

- Requests Congress to amend federal drug laws to allow states to decide whether marijuana should be allowed for personal, medicinal use.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 10 members: Representatives Cody, Chair; Campbell, Vice Chair; Morrell, Vice Chair; Appleton, Clibborn, Condotta, Green, Lantz, Moeller and Schual-Berke.

Minority Report: Do not pass. Signed by 4 members: Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander and Bailey.

Staff: Chris Blake (786-7392).

Background:

Marijuana is classified as a Schedule I substance under the Controlled Substances Act (CSA). Schedule I substances are characterized as having a high potential for abuse, no currently accepted medical use, and no accepted safe means for using the drug under medical supervision. The manufacture, possession, or distribution of Schedule I substances is a criminal offense.

In 1998, Washington voters approved Initiative 692 which creates an affirmative defense to the violation of state laws relating to marijuana if the individual uses and possesses it for medicinal purposes. Washington is one of 11 states that has passed legislation allowing the use of marijuana for medicinal purposes. Under federal law, however, such activities violate the CSA.

In June 2005, the U.S. Supreme Court (Court) decided a case that challenged Congress' authority under the Commerce Clause to prohibit the intrastate manufacture and possession of marijuana for medicinal purposes. In *Gonzales v. Raich*, the Court held that Congress was within its constitutional authority in determining that the failure to regulate intrastate manufacture and possession would undermine the purpose of the CSA to regulate the interstate market for medicinal substances. In its opinion, the Court noted that its decision does not preclude Congress from reclassifying the Schedule I designation of marijuana or taking other actions to allow for an exception for the use of marijuana for medicinal purposes. Absent congressional action, state laws permitting the use of marijuana for medicinal purposes will not protect an individual from legal action by the federal government.

Summary of Bill:

Legislative findings are made recognizing the federal government's authority to designate marijuana as a Schedule I controlled substance; that the holding in *Gonzales v. Raich* affirms that Congress has the authority to prohibit the local cultivation and use of marijuana; the need to allow states to promote innovation in social policy where there is no risk to the rest of the country; and that medical marijuana laws have not created a social or criminal problem.

Congress is requested to amend federal drug laws to allow states to decide whether or not marijuana should be allowed for personal, medicinal use.

The Secretary of State is directed to submit the memorial to the voters for a referendum.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: The citizens of Washington should be allowed to decide for themselves whether or not marijuana should be available for medicinal purposes. The referendum clause will strengthen the message to Congress. There are many people who could benefit from the use of medical marijuana, but are afraid of criminal prosecution.

Testimony Against: None

Persons Testifying: Representative Nixon, prime sponsor; and Bob Cooper, American Civil Liberties Union.

Persons Signed In To Testify But Not Testifying: None.